



House of Representatives

General Assembly

File No. 34

January Session, 2003

House Bill No. 5155

House of Representatives, March 18, 2003

The Committee on Government Administration and Elections reported through REP. O'ROURKE of the 32nd Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING THE PROHIBITION ON FORMER STATE AND QUASI-PUBLIC OFFICIALS AND EMPLOYEES ACCEPTING EMPLOYMENT WITH STATE CONTRACTORS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsections (f) and (g) of section 1-84b of the general
2 statutes are repealed and the following is substituted in lieu thereof
3 (*Effective July 1, 2003*):

4 (f) (1) No former public official or state employee [(1)] (A) who
5 participated substantially in the negotiation or award of [(A)] (i) a state
6 contract valued at an amount of fifty thousand dollars or more, or [(B)]
7 (ii) a written agreement for the approval of a payroll deduction slot
8 described in section 3-123g, or [(2)] (B) who supervised the negotiation
9 or award of such a contract or agreement, shall accept employment
10 with a party to the contract, [or] agreement or negotiation other than
11 the state for a period of one year after [his] the public official's or state

12 employee's resignation from [his] state office or [position if his] state
 13 employment if such resignation occurs less than one year after [the
 14 contract or agreement is signed] the earlier of (i) the date the contract
 15 or agreement is signed, or (ii) the date the official or employee ceases
 16 to supervise, or participate substantially in, the negotiation or award of
 17 the contract or agreement, as determined by regulations which the
 18 commission shall adopt, in accordance with chapter 54.

19 (2) No party to the contract may employ a public official or state
 20 employee if such employment would violate subdivision (1) of this
 21 subsection.

22 (g) (1) No member or director of a quasi-public agency who
 23 participates substantially in the negotiation or award of a contract
 24 valued at an amount of fifty thousand dollars or more, or who
 25 supervised the negotiation or award of such a contract, shall seek,
 26 accept, or hold employment with a party to the contract or negotiation
 27 for a period of one year after [the signing of the contract] the earlier of
 28 (A) the date the contract is signed, or (B) the date the member or
 29 director ceases to participate substantially in the negotiation or award
 30 of the contract, as determined by regulations which the commission
 31 shall adopt, in accordance with chapter 54.

32 (2) No party to the contract may employ a member or director if
 33 such employment would violate subdivision (1) of this subsection.

This act shall take effect as follows:	
Section 1	July 1, 2003

GAE *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: None

Municipal Impact: None

OLR Bill Analysis

HB 5155

AN ACT CONCERNING THE PROHIBITION ON FORMER STATE AND QUASI-PUBLIC OFFICIALS AND EMPLOYEES ACCEPTING EMPLOYMENT WITH STATE CONTRACTORS**SUMMARY:**

This bill extends the post-employment restrictions applicable to certain state officials and employees and quasi-public agency directors and members under the State Ethics Code. By law, former public officials, state employees, and directors and members of quasi-public agencies who substantially participate in or supervise the negotiation or award of (1) contracts worth \$50,000 or more or (2) agreements regarding state payroll check deductions for products or services cannot accept a job with a party to the contract or agreement, other than the state, within one year after they resign, if they resign less than a year after the contract or agreement is signed.

The bill expands the prohibition to include (1) parties to the negotiations for a covered contract or agreement who do not become a party to the contract or agreement and (2) former public officials and state employees who negotiate a covered contract or agreement but resign before it is signed.

The bill prohibits former officials and employees from taking a job within one year of resigning from state service if the resignation occurs less than one year after (1) the contract is signed or (2) they stopped substantially participating in the negotiations, whichever occurs sooner. It prohibits quasi-public agency directors and members from seeking or taking a job within one year after they cease substantial participation in the negotiations or the contract is signed, whichever occurs first.

The bill prohibits parties to the contract from hiring public officials, state employees, and directors and members of quasi-public agencies if to do so would violate the post-employment restriction.

Lastly, the bill requires the State Ethics Commission to determine, in

regulations, when a person ceases to participate substantially.

EFFECTIVE DATE: July 1, 2003

BACKGROUND

Substantial Participation

State Ethics Commission regulations define "substantial participation" in the same way that phrase is used in a prohibition against former executive branch and quasi-public agency officials and state employees representing anyone, other than the state, in any matter in which they participated personally and substantially while in state service. "Substantial participation" means participation that was direct, extensive, and substantive, not peripheral, clerical, or ministerial.

Penalties for Code Violations

The State Ethics Commission can order code violators to cease and desist the violation or pay a fine of up to \$2,000. The commission may also report violators to the Chief State's Attorney's Office for criminal prosecution. Any person who intentionally violates the code faces a sentence of up to one-year imprisonment, a \$2,000 fine, or both.

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable Report

Yea 17 Nay 0